

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**CRIMINAL MINUTES**

**Case No.:** 3:11-cr-202(1)MO,

**Date of Proceeding:** November 27, 2012

**Case Title:** United States of America v. Tu Ngoc Tran

**Presiding Judge:** Hon. Michael W. Mosman

**Courtroom Deputy:** Dawn Stephens  
Dawn\_Stephens@ord.uscourts.gov  
(503) 326-8024

**Reporter:** Bonita Shumway

**Tape No:** \_\_\_\_\_

---

**DOCKET ENTRY: RECORD OF PRETRIAL CONFERENCE:**

**MOTION TO SUPPRESS**

Government calls Clark County Detective Brian Kessel.  
Government's Exhibit #1 for the motion offered and RECEIVED.

Order provisionally DENYING Defendant's Motion to Suppress [126], as stated on the record.

Defendant's Motion for Production of Brady Material; Cooperation Agreements; & Fulfillment of  
Prosecutor's Duty of Inquiry and Henthorn Review [128] is MOOTED by production.

Defendant's Motion for Jencks Act Material [129] is MOOTED by production.

Order DENYING AS MOOT Government's Motion to Produce Jencks Materials for Defense Witnesses  
Other than Defendant [141].

**MOTIONS IN LIMINE**

Order GRANTING IN PART and TAKING UNDER ADVISEMENT until trial Defendant's Motion in  
Limine [127] to exclude any and all hearsay statements from Long Vo regarding alleged facts surrounding  
and the basis of the financial loan to Minthy Nguyen and any alleged intended use of the loan by  
defendant.

Order DENYING Defendant's Motion in Limine [127] to exclude any and all evidence of income tax  
returns, failure to file income tax returns, and other financial data related to defendant.

Order GRANTING IN PART and DENYING IN PART, as stated on the record, Defendant's Motion in Limine [127] to exclude the entire text of the anonymous tip letter that the police allegedly received to begin the investigation in this case.

Order TAKING UNDER ADVISEMENT Defendant's Motion in Limine [127] to exclude any and all evidence of alleged personal identification and/or mail or other documentation identifying alleged individuals for whom defendant would allegedly provide medical marijuana.

Order GRANTING Defendant's Motion in Limine [127] to exclude any and all evidence of alleged marijuana grow sites or operations in Washington, Oregon, or any other state for which defendant has not been charged with a criminal or administrative offense (in this case or any other).

Order GRANTING Government's Motion in Limine [125] to exclude evidence of medical marijuana defense, as stated on the record.

## **VOIR DIRE**

Order GRANTING IN PART and DENYING IN PART Defendant's Proposed Supplemental Voir Dire Questions [130]. I will allow questions 1, 2, 3, 5, 6, 7, 8, and 9. I will not allow questions 4 and 10.

Order DENYING Defendant's Request for Independent Voir Dire Questioning [131].

## **WITNESSES**

### **Defendant's Objections to Government's Witnesses**

- |    |                     |   |
|----|---------------------|---|
| 1. | Officer McCollister | I will hold voir dire outside the presence of the jury to determine the scope of Officer McCollister's testimony.   |
| 2. | Chemist             | Defendant agreed to admit laboratory records and stipulated that it is undisputed that the plants at issue are marijuana. Thus, there is no longer a need for the Government to call the chemist. |

## **EXHIBITS**

### **Defendant's Objection to Government's Exhibits**

- |        |           |
|--------|-----------|
| Ex. 64 | Received. |
| Ex. 66 | Received. |
| Ex. 67 | Received. |
| Ex. 68 | Received. |

## **STIPULATIONS**

Parties stipulated that the bank records need not be authenticated by the banks.

Parties stipulated that the plants involved in this case are marijuana.

Parties stipulated that Academy Mortgage is a mortgage lending institution.

Parties stipulated that the wire transfers alleged in counts 6 and 7 are wire communications in interstate commerce.

**ADDITIONAL MATTERS**

Government provided defendant with additional discovery.

Jury instructions discussed.

Verdict form discussed.

Government will amend witness list and forfeiture instructions.

Jury Selection will be on Monday, December 3, 2012 at 9:00 a.m.

**GOVERNMENT'S COUNSEL**

---

---

Jennifer J. Martin  
Robert D. Nesler

**DEFENDANT'S COUNSEL**

---

---

Kenneth Ricardo Perry

---

---

cc: { } All counsel

---

---

**DOCUMENT NO:** \_\_\_\_\_